

**Supplemental Changes to Chapter 246-272A WAC
Selections from Affected Sections - May 2005**

Differences between the original and the supplemental proposals:

Local Planning

Section 246-272A-0015 - *Local management and regulation*

The section on local planning has been amended to reflect some provisions of proposed legislation (E2SHB 1458), regarding management of onsite sewage systems in marine areas. Although the bill did not pass the legislature, the SBOH is incorporating some of the policies contained in the proposal. The legislature did provide funds in the 05-07 biennial budget for planning activities. Changes include:

- Detailed planning applies only to the 12 Puget Sound counties. Pacific County and Grays Harbor County are removed.
- Deadline for plan completion is set at July 1, 2007.
- Clarification of language to remove duplication.

Drainfield sizes for sandy soils

246-272A-0234(8) - *Design Requirements-Soil Dispersal Components*

For existing, small, undeveloped lots, the local health officer may allow a reduction in drainfield size if a higher level of treatment is used. The SBOH made this change in response to comments that some existing lots with sandy soils would become unbuildable because drainfields will be getting larger in sandy soils as a result of changes to loading rates.

Transfer of Maintenance Records

246-272A-0270(1) (k) - *Operation and Maintenance- Homeowner Responsibilities*

This supplemental proposal responds to concerns that the original language could delay or prevent home sales if no maintenance records exist. The new language clarifies that the requirement to provide maintenance records applies only if the records are available.

Minimum Land Area/Lot Size

Section 246-272A-0320 - *Developments, Subdivisions, and Minimum land area requirements.*

The original proposal increased the minimum sizes for lots with public water supplies to 0.5 acre. The supplemental proposal returns to the current rule requirements of 12,500 sq. ft. - 22,000 sq. ft., depending on soil type. The local health officer may require larger lots in areas where the local health officer identifies nitrogen as a contaminant of concern.

Opportunity to Comment

To view the supplemental proposal as well as a summary of the comments from the original proposal, please see the Department of Health rule website at <http://www3.doh.wa.gov/policyreview/>. You may also contact Kelly Cooper at (360) 236-3012 or email kelly.cooper@doh.wa.gov to have a copy mailed to you.

You may provide written comments on the website above or mail them to Kelly Cooper, PO Box 47820, Olympia, WA 98504. The deadline for written comments is **June 22, 2005**.

You may also comment in person at the State Board of Health public hearing. The hearing will be held **July 13, 2005** at **1:30 pm** in Tumwater, WA. The hearing location will be:

Red Lion Hotel - Olympia
2300 Evergreen Park Drive
Olympia, WA 98502

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WAC 246-272A-0015 Local management and regulation. (1) By July 1, 2007 ~~The~~ local health officers of health jurisdictions in marine the twelve ~~—~~counties bordering Puget Sound shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan must specify how the local health jurisdiction will~~shall include~~:

~~(a) A statement of the goals, objectives and desired outcomes;~~

~~(b) A set of actions along with a proposed implementation timetable that will;~~

~~(i)~~(a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;

~~(ii)~~(b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:

~~(A)~~(i) Shellfish protection districts or shellfish growing areas;

~~(B)~~(ii) Sole source aquifers designated by the USEPA;

~~(C)~~(iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge;

~~(D)~~(iv) Designated wellhead protection areas for Group A public water systems;

~~(E)~~(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

~~(F)~~(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

~~(G)~~(vii) Wetland areas under production of crops for human consumption;

~~(H)~~(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

~~(I)~~(ix) Areas where nitrogen has been identified as a contaminant of concern; and

~~(J)~~(x) Other areas designated by the local health officer.

~~(iii)~~(c) Identify ~~the additional requirements for~~ operation, maintenance and monitoring requirements that are commensurate with risks posed by OSS within the geographic areas identified in (b)~~(ii)~~ of this subsection;

~~(iv) Describe the capacity of the local jurisdiction to assure adequate operation, monitoring and maintenance of all known on site sewage systems including the ability to;~~

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~~(A)~~(d) Facilitate education of homeowners regarding their responsibilities under this chapter and provide operation and maintenance information for all types of systems in use within the jurisdiction;

~~(B)~~(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

~~(C)~~(f) Maintain records required under this chapter, including of all operation and maintenance activities as identified; and

~~(D)~~(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2); and

~~(h)~~(v) Describe the capacity of the local health jurisdiction to adequately fund the local OSS plan, including the ability to find failing and unknown systems.

~~(e)~~i Assurance that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to develop a written plan under subsection (1) of this section shall:

(a) Supply a copy of the plan to the department;

(b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by ~~(insert a date two years and two months after adoption)~~ July 1, 2007 and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, ~~Grays Harbor,~~ Island, Kitsap, Jefferson, Mason, ~~Pacific,~~ San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a

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minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than July 1, 2006~~(insert date one year after adoption)~~, the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

WAC 246-272A-0234 Design Requirements-Soil Dispersal Components

(8) (a) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII.
~~There are no exceptions to this requirement even if a SSAS size reduction has been permitted.~~

(b) However, the local health officer may allow a legal lot of record created prior to the effective date of this chapter that cannot meet this primary and reserve area requirement to be developed if all the following conditions are met:

(i) The lot cannot meet the minimum primary and reserve area requirements due to the loading rates for medium sand, fine sand and very fine sand listed in Table VIII of this chapter;

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(ii) The primary and reserve areas are sufficient to allow installation of a SSAS using maximum loading rates of 1.0 gallons/square foot per day for medium sand, 0.8 gallons/square foot/day for fine sand, and 0.6 gallons/square foot/day for very fine sand; and

(iii) A treatment product meeting at least Treatment Level D and pressure distribution with timed-dosing is used.

WAC 246-272A-0270 Operation, monitoring, and maintenance--Owner responsibilities.

(1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

(a) Obtain approval from the local health officer before repairing, altering or expanding an OSS;

(b) Secure and renew contracts for periodic maintenance where required by the local health jurisdiction;

(c) Obtain and renew operation permits if required by the local health jurisdiction;

(d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:

(i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;

(ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;

(e) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;

(g) Protect the OSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

(i) Operate and maintain systems as directed by the local health officer;

(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and

(k) At the time of property transfer, ~~disclose in writing to the person to whom the property will transfer, all changes and maintenance to the OSS.~~ provide to the buyer, maintenance records, if available, in addition to the completed seller

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disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

WAC 246-272A-0320 Developments, Subdivisions, and Minimum Land Area Requirements.

(2)(i)

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the local health officer may require larger lot sizes where the local health officer has identified nitrogen as a concern either through planning activities described in section -0015 or another process.

TABLE X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	<u>12,500</u> sq.ft. <u>0.5 acre</u>	<u>15,000</u> sq. ft <u>0.5 acre</u>	<u>18,000</u> sq.ft. <u>0.5 acre</u>	<u>20,000</u> sq. ft. <u>0.5 acre</u>	<u>22,000</u> sq.ft. <u>0.5 acre</u>
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	<u>1-acre</u> <u>2 acres</u>	<u>1-acre</u> <u>2 acres</u>
	2.5 acres ¹					